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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,157	01/22/1999	JOSHUA SUSSER	50253-217	5105

7590 06/19/2002

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EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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~~2136~~ 2137

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.
09/235,157

Applicant(s)
Susser et al.

Examiner
Majid A. Banankhah

Art Unit 2137
2456



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 22, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 30-54 is/are pending in the application
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 30-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓ ✓ ✓
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5, 8, 11 ✓
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2156

1. This office action in response to application filed on January 22, 1999. Claims 1, and 30-54 are presented for examination.
2. Applicants are requested to note PTO-948 concerning notice of draftsman's patent drawing review. However, correction of the noted defect can be deferred until the application is allowed by the examiner. Applicants are reminded of the provision of MEP. 608.02(q) and (r) regarding a separate letter to the chief Draftsman.
3. Claims 1, and 30-54 of this application conflict with claim 1 of application serial number 09/235,159. 37 C.F.R. § 1.78(b) provides that when two or more application by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See M.P.E.P. § 822
4. It is noted that present application and application serial

Art Unit: 2156

number 09/235,159 have substantially identical specification. Furthermore, the claim 1 in both are reciting the same elements. There are minor differences, but they are obvious over each other and are rejected over obvious double patenting. An example of the obvious double patenting are set forth below. Applicant must review the other claims for similar claims as noted above in rule 1.78(b).

5. A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (b) and (c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78 (d).

Effective January 1, 1994, a registered attorney or agent of record may sign a Terminal Disclaimer. A Terminal Disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1, 30-54 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/235,157. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations in the set of claims of present application are

Art Unit: 2156

obvious over claim 1 of the application serial number 09/235,159. For example, in claim 1 of the present application a program module is permitted access to another program module across firewall by an entry point object and later in claim 30-31, (in the Second preliminary amendment) two program modules can access entry point object even though they are located in different respective name space. In claim 1 of the 09/235,159 application, a program module include shared interface object wherein one program module is permitted access to another program module across the firewall. In other words claim in the copending application is broader. It would have been obvious for one ordinary skill in the art at the time the invention was made to use a shared entry point object as interface for one module to access another module across the firewall. In other words, one ordinary skill in the art would be motivated to use less sub-steps in order to expedite the process or method.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2156

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8. Claims 1, and 30-54 are rejected under 35 U.S.C. § 103 as being unpatentable over Montenegro (U.S.Pat No. 6,233,688).

The reference of Montenegro teaches of:

- **a processing device (UNIX, PC, or a Mac, col. 7, lines 1-24);**
- **memory (Fig. 1A, RAM, ROM and ..., col. 7, lines 1-24);**
- **a firewall for isolating one program module from at least other program module (security and isolation that can be provided by a gateway or firewall, col. 3, lines 15-29);**
- **an entry point object for permitting one program module to access another program module across said context barrier ("http" URL designates the entry point through the firewall, col. 6,**

Art Unit: 2156

lines 1-6, "A RAFT URL mechanism would allow a remote node 610 to traverse into gateway/firewall". And later "RAFT URL is passed to a socket factory generated by some application running in memory 614 and executed by processor", col. 8, lines 25-60).

The reference of Montenegro fails to explicitly teach of "context barrier for isolating one program module from at least one other". However, it is notoriously well known in the art that "firewall" is used for isolating one program module from another program module, for the reason that client application have access to private resource in a secure manner. Therefore, it would have been obvious for one ordinary skill in the art at the time the invention was made to use an isolating mechanism such as "firewall" as a means for isolating one program module from another program module.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Maid A.**

Banankhah whose voice telephone number is (703) 308-6903. A voice mail service is also available at this number.

All response sent to U.S. Mail should be mailed to:

Art Unit: 2156

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington. VA, Six Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses to the Examiner.

All Formal or Official Faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052. Official faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Maid Banankhah

June 16, 2002

MAID BANANKHAH
PRIMARY EXAMINER